

Group Art Unit: 3732  
Confirmation No.: 7175  
Examiner: Reimers, A.

Atty. Ref.: BET I-115 CIP

IFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : John B. Fenning et al.

Appl. No. : 10/670,104

Filed : September 24, 2003

For : PROSTHETIC KNEE WITH REMOVABLE STOP PIN FOR  
LIMITING ANTERIOR SLIDING MOVEMENT OF BEARING

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**THIRD INFORMATION DISCLOSURE STATEMENT**

Sir:

The above-identified U.S. patent application corresponds to European Application No. 04 022 659.9-2310. A Search Report issued in connection with the European application on October 31, 2005 and a copy of that Search Report is attached. The European Searcher identified six references as being relevant. All six references were considered by the European Searcher to be Category A documents. Hence, none of the cited references were considered to be particularly relevant to the claimed invention when considered alone or when combined with any other reference.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
on November 16, 2005  
Hilda A. Abreu

*Hilda A. Abreu*

The sixth reference cited in the European Search Report is the parent application of the above-captioned U.S. application. That reference does not qualify as prior art.

Three of the other five references cited in the European Search Report already were made of record in the above-captioned U.S. application. These references include U.S. Patent No. 5,702,466, U.S. Patent No. 6,475,242 and EP 0 529 408.

The two WIPO publications cited in the European Search Report were not previously made of record in the United States. Those references have been listed on the attached copy of Form PTO-1449 and copies of the references are attached. The undersigned attorney for the applicants hereby certifies that these two references were first cited in the communication from the European Patent Office in the counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

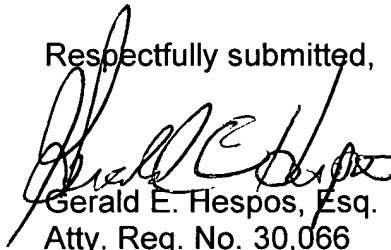
Counsel has carefully reviewed these two WIPO documents and counsel concurs with the opinion of the European Searcher that these two references relate merely to technological background (Category A) and are not particularly relevant to the claimed invention.

WO 96/08215 shows a rib 12 on the tibial component. However, the rib 12 is not pivotal to the tibial component. There is no stop removably mounted to the end of the control arm by a mounting means that is accessible at the end of the control arm.

The WO 01/97719 reference shows a prosthetic knee joint with a control arm pivotal mounted to the tibial component and slidably engaged in a groove of the bearing. This state of the art is shown in several of the other references of record in the above-captioned U.S. application. The WO 01/97719 reference does not have a stop removably mounted to either end of the control arm.

It is submitted that these two WIPO publications are less relevant than the references that were already presented to the Examiner or that were uncovered during the Examiner's own searches. Accordingly, these two newly cited references are not believed to have any effect on the allowed claims. Nevertheless, the Examiner is urged to consider these references and to make the references of record. Please charge our Deposit Account 03-1030 for any fees associated with this submission.

Respectfully submitted,



Gerald E. Hespos, Esq.

Atty. Reg. No. 30,066

Customer No. 001218

CASELLA & HESPOS LLP

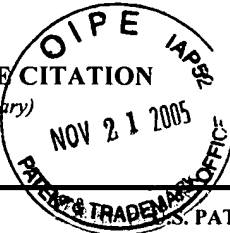
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Date: November 16, 2005

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				Docket Number (Optional) <b>BET I-115 CIP</b>		Application Number <b>10/670,104</b>		
				Applicant(s) <b>John B. Fenning et al.</b>				
				Filing Date <b>September 24, 2003</b>		Group Art Unit <b>3732</b>		
U.S. PATENT DOCUMENTS								
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
U.S. PATENT APPLICATION PUBLICATIONS								
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
		WO 96/08215	1996	WIPO			✓	
		WO 01/97719 A1	2001	WIPO			✓	
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>								
	REF							
EXAMINER					DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								